

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE REFRIGERANT COMPRESSORS
ANTITRUST LITIGATION

Case No. 09-02042

**STATUS CONFERENCE
BEFORE THE HONORABLE SEAN F. COX**

United States District Judge
257 U.S. Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226

(Thursday, May 30, 2013)

APPEARANCES:

DAVID E. PLUNKETT, ESQUIRE
Appearing on behalf of indirect purchaser
plaintiffs.

DAVID H. FINK, ESQUIRE
E. POWELL MILLER, ESQUIRE
Appearing on behalf of direct purchaser
plaintiffs.

S. THOMAS WIENNER, ESQUIRE
Appearing on behalf of direct purchaser
plaintiffs.

EVA W. COLE, ESQUIRE
Appearing on behalf of the Panasonic
defendants.

FRED K. HERRMANN, ESQUIRE
Appearing on behalf of the Panasonic
defendants.

EDWARD A. GELTMAN, ESQUIRE
Appearing on behalf of the Tecumseh
defendants.

HOWARD B. IWREY, ESQUIRE
BRIAN BYRNE, ESQUIRE
SANFORD M. PASTROFF, ESQUIRE
Appearing on behalf of the Embraco
defendants.

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DENNIS BARNES, ESQUIRE
Appearing on behalf of Defendant ACC USA,
LLC.

JOHN W. ALLEN, ESQUIRE
JAMES M. ANDRIOLA, ESQUIRE
Appearing on behalf of the Danfoss
defendants.

COURT REPORTER: MARIE J. METCALF, CVR, CM
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Detroit, Michigan 48226
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1 Detroit, Michigan

2 Thursday, May 30, 2013

3 At 3:10 p.m.

4 * * *

5 DEPUTY COURT CLERK: The United States District Court
6 is in session.

7 Please be seated.

8 The Court calls case number 09-md-2042, In re
9 Refrigerant Compressors antitrust litigation.

10 And, counsel, we'll take your appearances for the
11 record, please?

12 MR. FINK: David Fink, appearing on behalf of direct
13 purchaser plaintiffs. And with me at counsel table is Powell
14 Miller.

15 THE COURT: Good afternoon. Mr. Plunkett?

16 MR. PLUNKETT: Judge, David Plunkett, appearing on
17 behalf of the indirect purchaser plaintiffs.

18 MR. WIENNER: Good afternoon, Your Honor. Tom
19 Wiener, also for the direct purchaser plaintiffs.

20 MR. ALLEN: John Allen, Varnum attorneys, for the
21 Danfoss defendants. With me is Mr. James Andriola.

22 MS. COLE: Eva Cole, on behalf of the Panasonic
23 defendants.

24 MR. IWREY: Howard Iwrey on behalf of the Embraco
25 defendants. With me is Brian Byrne and Sanford Pastroff.

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1 MR. HERRMANN: Fred Herrmann on behalf of the
2 Panasonic defendants.

3 MR. GELTMAN: Ed Geltman on behalf of the Tecumseh
4 defendants.

5 MR. BARNES: And Dennis Barnes on behalf of ACC.

6 THE COURT: All right. What I'm going to do is, I
7 have a question to ask everyone before we start. Does anyone
8 have an objection to the direct purchaser's motion for
9 preliminary approval of class action settlement between the
10 direct purchaser plaintiffs and the Tecumseh defendants, the
11 Embarco defendants and the Danfoss defendants? Anybody have an
12 objection?

13 All right. I don't hear any. Okay.

14 How about if I meet with plaintiff's counsel first,
15 okay, except indirect?

16 MR. PLUNKETT: Understood, Your Honor.

17 (Court in recess at 3:13 p.m.)

18 (Court in session at 4:17 p.m.)

19 COURT CLERK: All rise. The United States District
20 Court for the Eastern District of Michigan is back in session.
21 Please be seated.

22 THE COURT: Okay. It was good meeting with all of
23 you. We do have a housekeeping issue, and I believe that the
24 direct purchaser plaintiffs and the indirect purchaser
25 plaintiffs may have a motion regarding dismissing Emerson

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1 Climate Technologies, Inc., Copeland Corporation, LLC, CR
2 Compressors, LLC, Scroll Compressors, LLC, and Bristol
3 Compressors International, Inc. Am I mistaken?

4 MR. FINK: Never, Your Honor. You're never mistaken,
5 Your Honor.

6 THE COURT: I'm sure that's your official position,
7 but if you were walking across the street to the 24-hour grill
8 with Mr. Miller, it may change. But go ahead.

9 MR. FINK: Oh, no. Yes, Your Honor, we would like to
10 move to dismiss the entities -- the direct purchasers would
11 move to dismiss the entities that you have just identified,
12 Your Honor.

13 THE COURT: And, Mr. Plunkett, are you prepared to
14 take a position on behalf of the indirect purchasers?

15 MR. PLUNKETT: I am. Since none of those defendants
16 were named in our last amended complaint, I think it's
17 appropriate to dismiss those defendants.

18 THE COURT: All right. Thank you very much. That's
19 all I have for today, okay.

20 MR. FINK: Your Honor? I apologize. Could I ask the
21 Court a question? It doesn't have to be on the record, but I
22 just wanted to know if the Court was going to set argument for
23 the unopposed motion for preliminary approval. I don't know if
24 argument's necessary.

25 THE COURT: Yeah. I don't know. I just wanted to

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1 get a feel for where everyone is today, and I do, and kind of
2 an idea where we're going next, okay?

3 MR. FINK: Thank you.

4 MR. PLUNKETT: Thank you, Your Honor.

5 COURT CLERK: Court's in recess.

6 (Court in recess at 4:19 p.m.)

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15 **C E R T I F I C A T I O N**

16 I, Marie J. Metcalf, Official Court Reporter for the
17 United States District Court, Eastern District of Michigan,
18 Southern Division, appointed pursuant to the provisions of
19 Title 28, United States Code, Section 753, do hereby certify
20 that the foregoing is a correct transcript of the proceedings
21 in the above-entitled cause on the date hereinbefore set forth.

22 I do further certify that the foregoing transcript
23 has been prepared by me or under my direction.

24 s\Marie J. Metcalf 08-27-13

25 Marie J. Metcalf, CVR, CM (Date)